

Attorney Docket No. 4132 P 002

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of:  
Christine Alain, Francis Picard, Hubert Jerominek

Application No.: 10/825,044  
Projected Patent No. 7,088,493  
Confirmation No.: 7415  
U.S. Filing Date: April 15, 2004

For: Light Modulating Microdevice

Examiner: Richard Hanig

Art Unit: 2872

**NOTICE OF CHANGE IN ENTITY STATUS AND**  
**PAYMENT OF FEE DEFICIENCIES UNDER 37 CFR 1.28(c)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On April 15, 2004, a small entity assertion was erroneously filed with this application.

This assertion of small entity status in this application and the payment of fees as a small entity were made in good faith.

It has now been discovered that such status as a small entity was established in error.

This error was unintentional and without deceptive intent. Applicants should have paid the requisite fees as a large entity.

37 CFR 1.28(c) provides that if small entity fees are paid in good faith and it is later discovered that such small entity status was established in error, the error will be excused upon payment of the deficiency between the amount paid and the amount owed.

Therefore, Applicants hereby submit this Notice in compliance with the submission and

itemization requirements of MPEP 509.03, 37 CFR 1.28(c)(1) and (c)(2).

08/10/2006 SLUANG1 00000001 10825044  
01 FC:1001  
02 FC:1201  
03 FC:1202  
04 FC:1253  
790.00 OP  
200.00 OP  
900.00 OP  
1020.00 OP  
08/10/2006 SLUANG2 00000001 10825044  
01 FC:1506

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Following is an itemization, as required by MPEP 509.03 and 37 CFR 1.28(c)(2), listing the fee amounts paid by Applicants and re-calculated using the appropriate current fee amounts.

Fee Type Erroneously Paid as Small Entity	Date Fee was Erroneously Paid as Small Entity	Amount of Erroneously Paid Small Entity Fee	Current Large Entity Fee Amount	Deficiency Owed
Basic Statutory Filing Fee	April 15, 2004	\$385.00	\$790.00	\$405.00
Fee for Eighteen (18) Claims in Excess of Twenty (20)	April 15, 2004	\$162.00	\$900.00	\$738.00
Fee for One (1) Independent Claim in Excess of Three (3)	April 15, 2004	\$43.00	\$200.00	\$157.00
Recordation of Assignment	June 3, 2004	\$40.00	\$40.00	\$0.00
Petition for Three (3) month Extension of Time	December 27, 2005	\$516.00	\$1,020.00	\$504.00
Payment of Issue Fee	June 12, 2006	\$700.00	\$1,400.00	\$700.00
Publication Fee	June 12, 2006	\$300.00	\$300.00	\$0.00
Advance Order for One (1) Copy of Issued Patent	June 12, 2006	\$3.00	\$3.00	\$0.00
Adjustment date: 08/10/2006 SLUANG1 04/19/2004 DTESEM1 00000155 10825044 01 FC:2001 -385.00 OP 02 FC:2202 -162.00 OP 03 FC:2201 -43.00 OP				Total Deficiency Owed: \$2,504.00

Adjustment date: 08/10/2006 SLUANG1  
 01/04/2006 DEMMANU1 00000006 10825044  
 01 FC:2253 -510.00 OP

Adjustment date: 08/10/2006 SLUANG1  
 06/16/2006 CHA02 00000076 10825044  
 01 FC:2501 -700.00 OP

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Pursuant to 37 CFR 1.28(c), Applicants hereby submit the deficiency payment required.

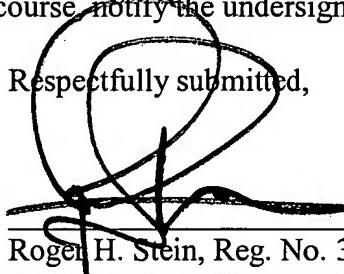
The deficiency amount owed under 37 CFR 1.28(c) has been calculated using today's date, August 3, 2006, on which date the deficiency is hereby paid.

The Commissioner is hereby authorized to charge the amount of \$2,504 to the credit card of **Michel Sofia** which is more fully described in the enclosed credit card payment form PTO-2038 as payment of the deficiency in fees which are due in respect of the above-identified Application.

The Commissioner is further authorized to charge any deficiency or credit any overpayment to said credit card and, in due course, notify the undersigned.

Respectfully submitted,

By:

  
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Roger H. Stein, Reg. No. 31,882  
**Wallenstein & Wagner, Ltd.**  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6630  
312.554.3300  
Attorney for Applicants

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with first class postage prepaid, in an envelope addressed to: Mail Stop Petitions, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 3, 2006.

Kathleen Rundquist  
Kathleen Rundquist/248461